

**BEFORE THE PLANNING COMMISSION AND THE
MAYOR AND CITY COUNCIL OF GAITHERSBURG, MARYLAND**

**In the Matter of the Application of
BP REALTY INVESTMENTS LLC**

Zoning Application No. Z-301 and SDP-05-003 (CASEY EAST)

For Rezoning to the MXD zone and SDP Approval

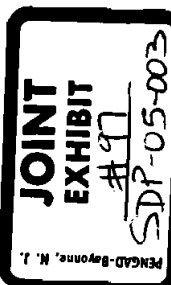
**MEMORANDUM IN SUPPORT OF REZONING REQUEST and SCHEMATIC
DEVELOPMENT PLAN APPROVALS**

BP Realty Investments, LLC, the applicant, applies for the rezoning Z-301 for the Subject Parcel to the MXD classification and Schematic Development Plan SDP-05-003, approval for Property located in the northwest quadrant of North Frederick Avenue and Watkins Mill Road Extended, (the "Property", sometimes referred to as Casey East) submits the following information in support of its requested rezoning. The plan, if approved, would be in the public interest.

1. The Property's Zoning and Master Plan Background:

- a. The Subject Property is currently zoned I-3, Industrial and Office Park;
- b. The existing City of Gaithersburg Master Plan was adopted in December 1996, and maintained the I-3 zoning for the Property. However, the City's Master Plan also called for the Property to be designated as "commercial/industrial-research-office", and called for the "development of the site for commercial retail facilities (that) could possibly include a hotel", while also permitting the "expansion of the office and research and development uses". The Master Plan equates this zone to the MXD zone. There are no special conditions imposed on the Property by the Master Plan.
- c. The Property is also located within the Northern Employment District of the Frederick Avenue Corridor plan. The corridor plan states that the Property be developed as mixed-use and "uses should include commercial, residential and retail." The current application incorporates such mix of uses. The Frederick Avenue plan seeks to maintain a significant amount of green space in the development, which is addressed through the combination a heavily landscaped, buffered setback along Route 355, a significant stream valley buffer with reforestation, and additional passive open space being preserved adjoining the existing steam valley buffer. Walkways are also incorporated through these green spaces to facilitate their use.

2. The applications meets or accomplishes the purposes and objectives, of the MXD zone,



- a. Section 24-160D.1 states:

“It is the objective of the zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories.

The change from the I-3 Euclidian zone to the City’s MXD floating zone will provide the Staff, Planning Commission, Mayor & City Council and the Applicant the ability to craft a higher quality, mixed-use product.

- b. Section 24-160D.1(a) provides a purpose of the MXD zone shall be:

To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual multi-use center development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.

The development application processed under the MXD zone provides the City with tools to address important master planning issues, both existing and currently under discussion, such as traffic mitigation requirements and affordable housing, that are not available under the I-3 Euclidian Zone.

- c. Section 24-160D.1(b) provides a purpose of the MXD zone shall be:

To encourage orderly, staged development of large-scale comprehensively planned, multi-use centers by providing procedures for various zoning and plan approvals, including development phasing.

The development application processed under the MXD zone provides the City with phasing tools not available under the I-3 Euclidian Zone.

- d. Section 24-160D.1(c) provides a purpose of the MXD zone shall be:

To encourage design flexibility and coordination of architectural style of buildings and signage.

The development application processed under the MXD zone provides the City with both greater controls and more flexibility (including mixing of uses and setbacks) to produce a better-finished product than would be available under the I-3 Euclidian Zone.

- e. Section 24-160D.1(d) provides a purpose of the MXD zone shall be:

To ensure the integration and internal compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi-use project.

The superior environment of a properly designed mixed use project can be seen in the many mixed-use communities developed in the City using the MXD zone, as opposed to the more isolated and sterile environment of a business park provided under the I-3 zone.

- f. Section 24-160D.1(e) provides a purpose of the MXD zone shall be:

To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.

The site is surrounded by properties developed under a variety of zones, and the use of the MXD zone will best permit the development of a plan that maximizes both the external and internal compatibility.

- g. Section 24-160D.1(f) provides a purpose of the MXD zone shall be:

To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian and other nonvehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive nonvehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

The development application processed under the MXD zone allows for a mix of residential retail offices and institutional uses located in a manner convenient to each other on a pedestrian level, will provide better linkages, and will provide the opportunity for more open space to be preserved.

- h. Section 24-160D.1(g) provides a purpose of the MXD zone shall be:

To provide a superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.

The development application processed under the MXD zone will provide the opportunity for more open space to be preserved.

- i. Section 24-160D.1(h) provides a purpose of the MXD zone shall be:

To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.

As noted earlier, the development application processed under the MXD zone provides the City with phasing tools not available under the I-3 Euclidian Zone.

3. The property meets the requirements for the MXD zone.

Section 24-160D.2 sets for the following requirements for a property to be considered for the MXD zone:

- a. Section 24-160D.2(a) provides that a requirement of the MXD zone shall be:

No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone.

The City's existing Master Plan for the property and the Frederick Avenue Corridor Avenue both call for a mixed-use development.

- b. Section 24-160D.2(b) provides that a requirement of the MXD zone shall be:

No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone.

The property subject to this application exceeds the minimum ten (10) acre requirement.

- c. Section 24-160D.2 provides that a requirement of the MXD zone shall be:

Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

The property subject to this application is adjacent to Route 355, and will be adjacent to Watkins Mill Road Extended and Professional Drive as part of this application. The property is served by public water and sewer.

- d. Section 24-160D.2(d) provides that a requirement of the MXD zone shall be:

No development shall be permitted unless served by public water and sewer.

The property is served by public water and sewer with capacities adequate to service the proposed development.

- e. Section 24-160D.2(e) provides that a requirement of the MXD zone shall be:

Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.

Under the MXD zone, the signage of the proposed project will be coordinated in a thematic approach.

- f. Section 24-160D.2(f) provides that a requirement of the MXD zone shall be:

Anything to the contrary notwithstanding in any regulation in this Code, lots in this zone shall not be required to have direct access to a public street provided that such condition will promote the creation of affordable housing, or will be designed in such a way as to foster the purposes and objectives of this zone, provided that satisfactory access to a public street is provided over private rights-of-way.

The development application meets the requirements for access to public streets.

4. The uses proposed within the application meet the requirements for the MXD zone.

Section 24-160D.3 sets for the uses permitted and to be excluded from the MXD zone. The applications meet such requirements, most relevant:

- a. Section 24-160D.3(a)(4) provides the following within the MXD zone:

Residential uses may be mixed with proposed commercial/industrial/employment uses, rather than located in a separate residential area on the site, upon a finding by the city council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.

The applicant believes that the application provides for such mixing of uses resulting in a superior environment and planned project.

- b. Section 24-160D.3(a)(4) provides the following within the MXD zone:

In order to establish an appropriately mixed character within the entire MXD zoned area, the following percentages of floor area proposed on site as shown on a sketch plan shall not exceed:

| | |
|--------------------------------------|-----|
| Retail commercial | 60% |
| Employment/office | 65% |
| Other commercial/institutional . . . | 15% |

Individual percentages may be exceeded by approval of the city council upon application by an applicant and for good cause shown; provided, however, the cumulative total of all categories shall not exceed one hundred (100) percent.

The floor areas for: Retail Commercial is less than 60% of the total Floor Area proposed; Office constitutes less than 65% of the total Floor Area proposed, and Other Commercial/Institutional constitutes less than 65% of the total Floor Area proposed.

5. The density and Intensity of development are in conformance with the Master Plan.

Section 24-160.D.4 requires:

(a) Residential: The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

(b) Commercial/employment/industrial. The commercial/employment/industrial density in the Mixed Use Development Zone shall be compatible with any gross floor area or floor area ratio recommended in the applicable area master plan or special conditions or requirements, if any are stated therein. The maximum density of commercial/employment/industrial development shall be based on the area shown for commercial/employment/industrial uses on the sketch plan or schematic development plan, and shall not exceed a floor area ratio of 0.75...

The Application meets the requirements of these sections.

6. The proposed project is compatible with the vicinity and area.

Section 224-160D.5 requires that a proposed project processed under the MXD zone meet compatibility requirements with the existing and proposed uses in the area.

a. Section 24-160D.5(a)(1) seeks the following for an MXD zoned site;

All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.

The applicant provides for the master planned roads, including the additional lanes sought by the SHA and Montgomery County for Watkins Mill Road Extended. Access to Professional Drive will also be provided as part of this application. Buildings proposed are within the height limits of the zone, and the application provides for a significant buffer along Route 355, additional large buffers within the development along the stream valley buffer, and, as well as additional tree save areas.

b. Section 24-160D.5(a)(2) sets forth the following for an MXD zoned site;

a. No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than one hundred (100) feet, with the setback approved by the city planning commission.

b. No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.

c. No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan, unless the city planning commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.

No buildings are proposed within 100 feet of an adjoining property not zoned MXD or in a residential category that is developed for one-family detached homes. No building is proposed to be constructed to a height greater than its distance from any adjoining property not zoned MXD. The application meets or exceeds these requirements for processing and approval under the MXD zone.

7. **The Application meets the requirements for green area, landscaping & amenities.**

Section 24-160D.6(a) sets forth the following for an MXD zoned site;

The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use. The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

The application meets or exceeds these requirements for processing and approval under the MXD zone.

8. **The Application meets the requirements for adequacy of public facilities.**

- a. Section 24-160D.7(a) sets forth the following for an MXD zoned site;

A mixed use development should conform to the facilities recommended for the site by the approved and adopted master plan, including granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary by the city to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

The application, as part of the plan submitted, provides for such easements and dedications required for the construction of Watkins Mill Road Extended, the I-270/Watkins Mill Interchange and the extension of a road to the existing Professional Drive as called for in Master Plans, as well as other requires utility easements.

- b. Section 24-160D.7(b) sets forth the following for an MXD zoned site;

All utility lines in the Mixed Use Development Zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines. Poles and lamps for street lighting shall be provided by the developer in accordance with the approved site plan.

The application provides for all such on site utilities to be placed underground.

- c. Section 24-160D.7(c) requires the following for an MXD zoned site;

All streets to be dedicated to public use shall be shown on the schematic development plan and the final site plan, respectively. All private streets and alleyways shall also be shown on the schematic development plan and the final site plan, but they will only be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors. All private streets and alleyways are to be constructed to the same width and road code standards as are applicable to public streets unless waivers of any street standard or road code requirement are granted by the council as part of the schematic development plan review or by separate public hearing.

The application delineates the right of ways to be dedicated for public use, consistent with the comments of the County Police and City Staff. Since the application is utilizing the TND standards, a road code waiver will be required from the City Council as part of the processing if approved

- d. Section 24-160D.7(d) requires the following for an MXD zoned site;

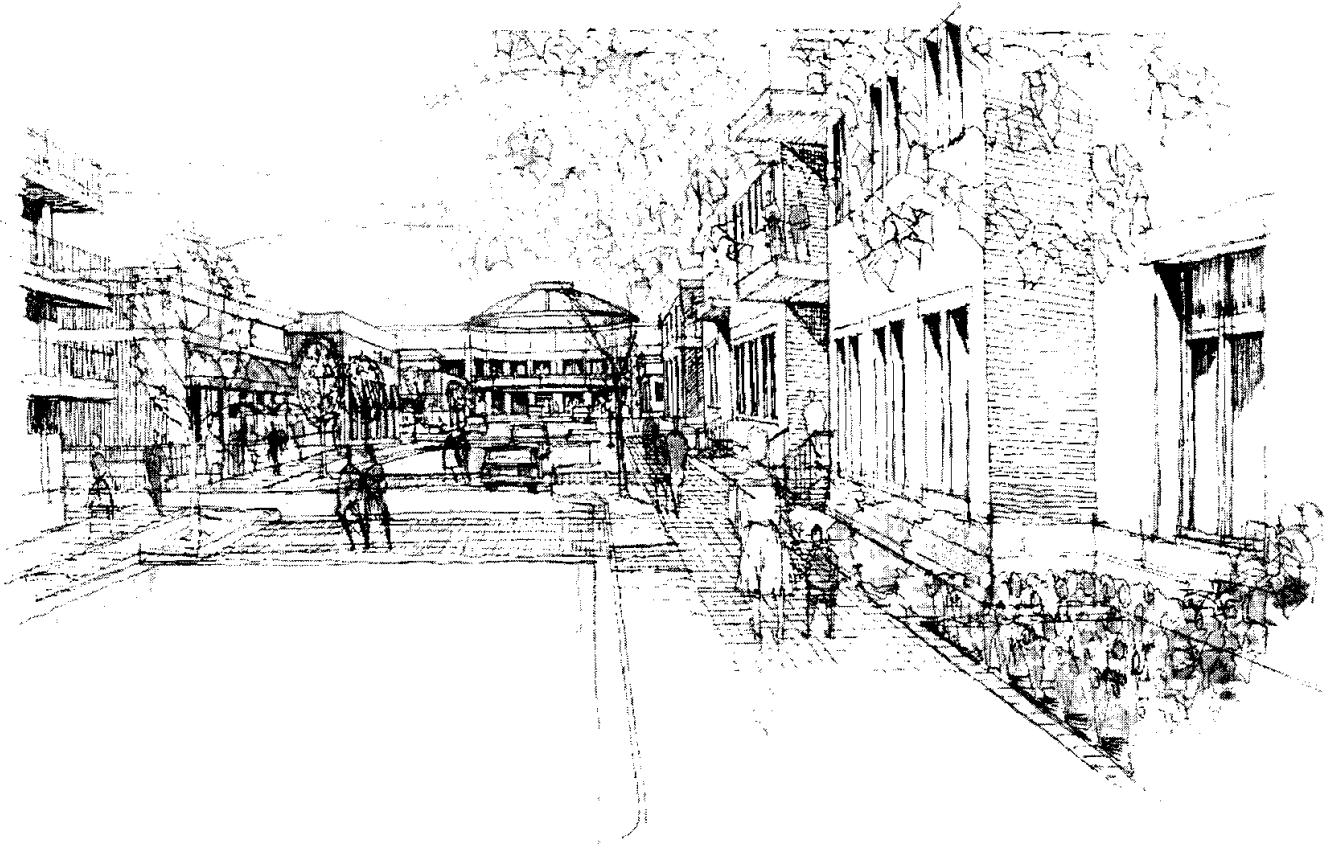
An applicant for approval under the MXD Zone shall demonstrate at the time of filing a schematic development plan, and at time of site plan approval that all public facilities are either presently adequate to service the development requested for approval or will be provided or in place by the completion of construction of the development reflected in the schematic development plan. It is the intent of this provision that development shall be staged in such a manner as to coordinate

development with the provision of public facilities, and that such facilities shall be operational at acceptable service levels and capacities.

The application has supplied engineers' confirmation that public facilities (e.g., water, sanitary sewer, gas, electricity, CATV, etc.) are adequate for the contemplated development. Montgomery County Public Schools has provided information that schools are adequate to accommodate the proposed development. An outside Traffic engineering firm has completed a traffic report that confirms that all intersections are operating within the acceptable range other than the downstream intersection of Route 124. Rt. 355 during the Peak periods. The development of the property under a mixed- use scenario produces fewer peak hour trips than a projects developed as a single office use. The Application contains phasing of a portion of the development tied to the interchange, which will work to mitigate the impact of the traffic produced prior to the interchange opening. The application provides the mitigation for its impact as follows (1) provision of the property necessary for the construction of the Watkins Mill Road extension to I-270, (2) construction of 2 lanes of such road with an agreement to work in good faith under an MOU with the City and Montgomery County for the construction of the full 6 lane road, (3) provision of the land areas from the site needed for the construction on the I-270/Watkins Mill Interchange, and (4) the proposed funding of a Transportation Management Demand program to work to mitigate traffic impact.

9. **The applicant believes that the processing of the development of this property under the MXD zone would be in the public interest.**

Applicant believes that the plan submitted meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone, is in accord with the area master plan, will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas, that existing or planned public facilities are adequate to service the proposed development, that the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and that the plan, if approved, would be in the public interest, and respectfully requests consideration for approval.



DESIGN GUIDELINES

THE CITY OF NEWARK
CITY ENGINEERING DEPARTMENT

APRIL 1998
REVISION 1.0
DESIGNED BY: [illegible]
DRAWN BY: [illegible]
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JOINT
EXHIBIT

#98

SDP-05-003

Table of Contents

| | |
|---|------------------------------|
| 1. INTRODUCTION..... | 3 |
| A. <i>VISION.....</i> | 3 |
| B. <i>PURPOSE.....</i> | 4 |
| C. <i>APPLICABILITY/USE.....</i> | 4 |
| D. <i>RELATION OF THE GUIDELINES TO OTHER CITY REGULATIONS, ORDINANCES AND PRIVATE DEVELOPMENT COVENANTS.....</i> | 4 |
| E. <i>WATKINS MILL EAST DISTRICT.....</i> | 5 |
| F. <i>LAND USE AND DEFINITIONS.....</i> | 6 |
| 2. SITE PLANNING | 8 |
| A. <i>BUILDING SITING AND ORIENTATION.....</i> | 8 |
| B. <i>OPEN AND URBAN SPACE.....</i> | 8 |
| C. <i>PEDESTRIAN SYSTEM</i> | 9 |
| D. <i>TRANSPORTATION SYSTEM</i> | 10 |
| E. <i>UTILITIES, MECHANICAL, AND TELECOMMUNICATION EQUIPMENT</i> | 16 |
| F. <i>SERVICE, DELIVERY, STORAGE AREAS, LOADING AND TRASH</i> | 16 |
| G. <i>SECURITY SYSTEMS.....</i> | 17 |
| H. <i>COMMUNICATIONS EQUIPMENT AND ROOFTOP EQUIPMENT</i> | 17 |
| 3. ARCHITECTURAL DESIGN..... | 19 |
| A. <i>BUILDING RELATIONSHIPS AND COMPATIBILITY.....</i> | 19 |
| B. <i>HEIGHT</i> | 19 |
| C. <i>MASSING, FORMS AND PEDESTRIAN SCALE</i> | 20 |
| D. <i>ROOF FORMS AND MATERIALS</i> | 21 |
| E. <i>BUILDING ENTRANCES.....</i> | 22 |
| F. <i>SERVICE ENTRANCES AND LOADING AREAS</i> | 23 |
| G. <i>ENERGY CONSERVATION MEASURES.....</i> | 23 |
| H. <i>COMMERCIAL DESIGN GUIDELINES</i> | 23 |
| I. <i>RESIDENTIAL DESIGN GUIDELINES</i> | ERROR! BOOKMARK NOT DEFINED. |
| 4. LANDSCAPE DESIGN | 28 |
| 5. LIGHTING | 44 |
| 6. SIGNAGE..... | 44 |
| 7. FLAG POLES | 44 |
| 8. TEMPORARY FACILITIES..... | 45 |
| 9. VARIANCES FROM DESIGN REGULATIONS, MODIFICATIONS | 45 |
| 10. Acknowledgements..... | 48 |

1 INTRODUCTION

A. Vision

The vision for the Spectrum at Watkins Mill Town Center is that of an Urban Village featuring a mix of restaurants, retail, residential, commercial and institutional uses. The requirements established in these Design Guidelines will create a development with a distinct character and unique to the City of Gaithersburg, yet complementary of its sister project, **Watkins Mill Town Center**. The intent of the Urban Village design is to blend neo-traditional planning principles with innovative urban design that will enhance the already established benefits of fully integrated, mixed-use communities.

The overall sense of place is a harmonious and complementing blend of commercial, retail, and residential uses unified by both a very active central public space as well as a large passive green area. The multi-faceted community; from the vibrant, pedestrian-oriented Restaurant Row and Spectrum Avenue to the traditional neighborhood design and framed through an articulated streetscape and refined building 'edges'. The unique quality of the streetscape is implemented through the use of Smart Growth principles, diverse architecture, and superior materials selection. The open spaces and public art function as visual points of focus that unify the various facets of the community with a common theme. All details have been integrated to help foster the intimate feel of the community.

Every component of the Spectrum at Watkins Mill Town Center has been considered in these Design Guidelines with the intent of creating a community that far exceeds minimum standards of design. The Spectrum at Watkins Mill Town Center will be a vibrant community and fulfill the City's goal of creating an environment where one can "live, work, learn, and play".

B. Purpose

The Watkins Mill East District Design Guidelines (“Guidelines”) establish design criteria and standards for development. The purpose of the Guidelines is to:

- I. Enhance and protect the Watkins Mill East District’s quality of life and community image through clearly articulated development design goals and policies, design guidelines and minimum design standards;
- II. Protect and promote long-term sustainable and economic vitality through design standards which encourage and reward high quality development, while discouraging less attractive and less enduring alternatives;
- III. Minimize adverse impacts of pedestrian and vehicular circulation to existing neighborhoods and to the surrounding physical environment; and
- IV. Enhance and protect the security and health, safety and welfare of the residents, consumers and workers of the District.

C. Applicability/Use

The provisions of the Guidelines shall apply to all development within the Watkins Mill East District. The Guidelines provide general design guidelines, as well as development standards. The Guidelines will be utilized by City staff, Planning Commission, and City Council to review development applications submitted under the City’s Mixed Use Development (MXD) development plan review process.

The goals and policies set forth in this document are expected to be met through compliance with all design standards and consideration of design guidelines. Modifications to or waivers of design standards may be recommended as part of the City’s MXD development plan review process.

The Guidelines are to be used by property owners/applicants and their design consultants in the planning of development projects within the District. The Guidelines will also be utilized by City staff, Planning Commission, and City Council as part of the City’s MXD development plan process in their reviews of projects to which the Guidelines apply.

D. Relation of the Guidelines to Other City Regulations, Ordinances and Private Development Covenants

The Guidelines are a supplement to the City of Gaithersburg Zoning Ordinance and Gaithersburg City Code. Where a guideline or standard in this document is in conflict with any provision of the Gaithersburg City Code, the City Code shall

take precedence and shall apply. Building and life safety codes and the City of Gaithersburg Department of Public Works, Parks Maintenance, and Engineering requirements and standards take precedence over the guidelines and standards in this document in cases where there is conflict, unless a waiver to these City standards is given by the City Council and/or Planning Commission. All development within the Watkins Mill East District shall meet the requirements of the Americans with Disabilities Act (ADA).

E. Watkins Mill East District

The Watkins Mill East District includes 40 acres, strategically located along Interstate I-270. The focus of this East District is the Performers Park, surrounded by restaurants, retail, and residential condominium development with first floor commercial/retail. This area is envisioned to be the lively heart of the East District, and will be a unique asset to the residents and workers in the City. The balance of the District features additional retail, restaurants, service, office and institutional buildings to be developed in conjunction with the Performer Park area as part of an integrated mixed use development. The Watkins Mill East District advocates diversity in use and population by mixing commercial and residential components while promoting pedestrian friendly design.

Watkins Mill East District will be built over time in phases; therefore, the design of individual buildings and sites within the District is important. Each building and site has a role to play, as part of the general district plan or as a distinctive focal point. Each new building and site will respond appropriately to its environs. Projects in the district typically involve buildings, sites, streets, and sidewalks that will be coordinated and consistent with an overall urban design vision for Watkins Mill East District and Town Center.

In order to guide developers, architects, landscape architects, and public officials a number of urban design principles are described in this document. They are intended to establish an organizing framework for the District and an overall level of coherence within the Urban Village. Urban design at this scale is challenging because the objective of establishing some coherence must be tempered by a flexibility that will accommodate change over time. These principles are therefore general, and meant to establish a framework within which individual designers will consider their project as a component piece which is part of a larger District plan.

It is important to note that the following Guidelines apply to the Watkins Mill East District in general, and govern new construction as well as additions or improvements. For certain areas within the District, because of their use or intensity, these Guidelines may be modified, refined or amended as necessary by the Developer with the approval of the City in order to address specific design issues. The City Planning Commission is responsible for the interpretation and implementation of the design guidelines during the final site plan process.

F. Land Use and Definitions

The overall 40-acre Watkins Mill East District plan is a highly varied mixed-use development. The primary focus or core of the development is the Performers Park area located in the heart of the District along Restaurant Row. This core will provide for a mix of restaurants, retail and residential uses. Surrounding this core are a mix of medium residential uses, office uses, additional retail and restaurant uses, service a proposed Police station and Senior Center and open space for natural preservation.

Restaurants/Retail - Commercial, restaurants, retail and shopping are sited along Restaurant Row as well along at the edges of the development. This development approach allows for the following commercial uses: class-A freestanding restaurants and in-line restaurants, personal service, general retail, fuel service, general/professional office uses, and other uses permitted within the MXD Zone, to be located in a combination of freestanding and multi-tenant buildings and on the ground level of the residential condominium buildings.

Office – A prominent sites for a new office development is featured within the Urban Village. The office use is professional in nature.

Residential - The Residential element of the project is proposed in three buildings, which range from 5 to 9 stories. The character of this housing is distinctly urban, providing a 24- hour element of activity that is necessary for a truly successful mixed-use community. The residential element is inclusive, and addresses a broad range of buyers utilizing a combination of MDPU, workforce housing, age restricted housing, and housing for City and key county employees, merged into a well-integrated, sustainable development. The housing is advantageously located within walking distance to the retail, entertainment, and cultural/institutional uses of the core and well-connected with sidewalks and pathways.

Open Space - Land that is undeveloped or developed that can support plant materials; or has decorative landscape treatment; may be used by the public for recreation or circulation. Walkways, plant beds, lawns, and terraces within an open space area may be included as part of such open space area. Paved parking lot areas used for auto circulation or parking do not qualify as Open Space.

Pedestrian Scale/Human Scale - The relationship between the dimensions of a building, street, outdoor space, or streetscape element to the average dimensions of the human body within the Urban Core.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space

between such floor and the ceiling next above it. A basement shall be counted as a story, if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story, if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more. A story does not include rooftop mechanical structures, architectural elements above the roofline, towers, mechanical equipment, building maintenance, service or management areas or office, screening, architectural highlights, and other service facilities. Maximum building heights are the vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except, if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. Parking decks upon which buildings are constructed shall not be counted as stories of the building, nor are elevator lobbies for the office building K. In addition, due to the changing topography of the project, the story measurement shall be made along the building street frontage edge of the building in measuring compliance with the relevant 5, 7 or 9-story limitation. (See building illustrative(s) and topography included in SDP of the Urban Village Buildings.)

2 SITE PLANNING

Locate buildings to be visible from major roadways and entries, to provide clear orientation and access for both vehicles and pedestrians and to facilitate internal pedestrian circulation. Place structures in consideration of the existing built context, the location of adjoining uses, and the location of major roads. Include an analysis of the site's physical and natural characteristics and other influences. Create pedestrian courtyards and common gathering areas through creative design solutions. Create walkable, well-landscaped environments that encourage pedestrian movement between uses and gathering places.

A. Building Siting and Orientation

- I. Provide pedestrian connections from buildings to public walkways and between buildings to buffer pedestrians from vehicle circulation areas.
- II. Locate and orient buildings around Performers Park to create a plaza and pedestrian gathering place and to promote views through and into plaza.
- III. Locate outdoor dining areas in restaurants facing onto Performers Park which will be of a sufficient size to accommodate outside dining.
- IV. Orient single free-standing commercial buildings and a primary facade towards the external primary road (i.e., Watkins Mill Road or Rt. 355), although entrances shall be from the adjoining parking field.
- V. Position entries to buildings so they are easily identifiable from the interior drives and parking areas.

B. Open and Urban Space

The Watkins Mill East District is to be balanced by a variety of open or green spaces and urban spaces that are linked by sidewalks, pathways, and trails. These spaces will be designed to create a setting for development and provide for a variety of passive and active recreational opportunities. These spaces are to include urban streetscapes (design treatments) and plazas,

- I. Urban spaces and plazas are defined largely by the building edges of the Urban Core, the character and design of which create a setting for street-level retail, office, and entertainment activity combined with public art, plazas, seating areas, and other street design treatments.
- II. Open or green parks, which provide a more passive counterpoint to the urban spaces, will include existing and planned passive and active parks, sensitive areas such as flood plains, wetlands or sites for storm water management facilities, infiltration areas and natural preserves.

C. Pedestrian System

The pedestrian system is a network of interconnected walkways providing pedestrian access throughout the District, while linking the District and the surrounding communities and activities. Routes will be integrated to form a comprehensive circulation system providing convenient, safe, and visually attractive access to all destinations in the District.

- I. Locate buildings and design on-site circulation to minimize pedestrian/vehicle conflict.
- II. Separate pedestrian and vehicular movements with the use of landscaping, barriers or other appropriate design solutions.
- III. Accommodate bicycle routes as part of the new Watkins Mill Extension and improved sidewalk along Route 355. These regional linkages shall connect the District with adjacent communities. Regional linkages are typically asphalt and eight (8) feet wide. A pedestrian and hiker/biker sign package shall be provided.
- IV. Differentiate areas of pedestrian activity and interface with accent pavement and signage to alert users and vehicles to potential conflicts.
 - a. The pedestrian system will be comprised of brick, concrete sidewalks, asphalt pathways, and regional trails, with crosswalks providing continuity across streets at key intersections.
 - b. Crosswalks shall be provided at intersections of the District street system, assuring continuity of the pedestrian system. Crosswalks are to be constructed with special or texture material and provide pedestrian refuge areas within medians, when available. A pedestrian sign package shall be provided.
- IV. A pathway is to be provided throughout the sensitive area of the development and connecting the to the pedestrian grid of the project. This pathway shall provide connections within the District, allowing residents and workers to enjoy the natural setting. They are asphalt and concrete and five (5) feet wide and may include wood ramps and raised walkways and will be installed where the topography is flat so as to allow equal accessibility to citizens with mobility impairment.
- V. All pedestrian sidewalks and pathways will be handicap accessible.
- VI. Sidewalks and pathways shall include handicap ramps at all intersections.
- VII. Sidewalks throughout the District shall generally be shall be a minimum five (5) feet wide and detached from all streets and roadways by a six (6) foot wide landscaped or other type buffer. This buffer may be in the form of a 6' by 10' planting island as is being utilized on the Watkins Mill Town Center District, the sister project of Watkins Mill East District.
 - a. Concrete Sidewalks will be accommodated along all roads and streets. Sidewalks may vary in width (with a minimum width of five (5) feet) and location relative to the street curb, depending on the category of street, and are to be finished in an old English pattern, such pattern and color to be approved by the City.

- b. Plantings
- VII. Commercial areas around Performers Park will provide additional sidewalk widths and streetscape amenities.
 - a. Brick accented sidewalks shall be provided within the walking area surrounding Performers Park and may vary in width from approximately ten (10) to twenty (20) feet.
 - b. Sidewalks shall include areas to be utilized for outdoor seating, while providing a minimum clear walkway of eight (8) feet free of seating, furniture and other obstructions that shall be maintained in all cases.
- IX. Heights, designs and material of buildings in the District may vary, an architecturally compatible first floor (street level) of at least seventeen (17) feet in height should be maintained to define streets, pedestrian/open spaces.
- X. Community Street and Site Furniture
 - a. Street furnishings shall be of wood, recycled materials or metal with powder coating paint. Street furniture shall be placed at strategic locations such as bus stops, public plazas or greens, recreation areas, and high pedestrian traffic areas.
- XI. Public spaces shall be planted to provide for seasonal interest, to create spaces resulting in an aesthetically pleasing environment.

D. Transportation System

Streets and roadways shall contribute to the overall vision of the District. The roads or streets of the District, through consistent design treatments, can contribute significantly to a sense of coherence. The parking, access, and circulation of the transportation system should provide for safe, efficient, convenient and functional movement of multiple modes of transportation both in and around the District.

A classification of a street hierarchy with similar design treatments for similar roads is intended to create a repetition and consistency of design in the District. The hierarchical system has been categorized based on right-of-way width, volume, speed, and function. Design treatments will be provided for each street classification and will act as a set of rules to guide the placement buildings, plantings, and sidewalks. While the street dimensions and design treatments are important so that streets have a consistent character, planners and designers may find that individual site characteristics in a District as varied as Watkins Mill East District may suggest modifications to these requirements. These proposed modifications should be coordinated with the City of Gaithersburg and BP Realty Investments and may require an additional road code waiver from the City of Gaithersburg.



Streetscape example from the Washingtonian Center, Gaithersburg, MD



Streetscape example from the Kentlands, Gaithersburg, MD

The following street cross section descriptions include recommendations for appropriate street lighting, according to the classification of the street.

- I. *Watkins Mill Road (extended)* creates an east/west axis and corridor for the development and will be the largest and most heavily traveled in the District. Watkins Mill Road will act as a transition between the regional I-270 roadway and major streets within the development. Design elements will include:
 - a. Consistent rows of trees along both sides of the roadway located between the roadway and sidewalks/pathways.
 - b. The planting of trees in the median is encouraged, subject to Maryland SHA and Montgomery County's approval, except for the medians of the proposed bridges over I-270. Median Treatment should include trees, shrubs, plants, grass, and brick pavers;
 - c. Spacing between trees should be consistent, approximately 30'-40' on center, depending on City approved street tree.
 - d. A five (5) foot sidewalk will be provided on each side of the roadway, with one side being enlarged to eight (8) feet to accommodate multi-use hiker/biker path. These sidewalks/pathways will extend over the I-270 interchange;
 - e. Light Fixture Standards should enhance the character of the streetscape. Since PEPCO fixture patterns change from time to time, the specific fixture type will be selected by the developer and must be approved by the City from those approved by PEPCO at the time of final site plan stage; standard commonly called "Cobra Heads" are not permitted. The fixtures selected should be coordinated with those selected for the Watkins Mill Town Center District to encourage a unified appearance between the districts.
 - f. Crosswalks are to be designated during the final site plan stage and will include timed devices showing seconds to crossing and pedestrian refuge areas at the roadway median. Although neither SHA nor Montgomery County permit raised walkways or walkways with special materials in major roads such as Watkins Mill Road Extended, discussions should be had to see if such alternative material would be permitted;
 - g. Gateway features to each entrance will be coordinated to announce the District and Urban Core. Each gateway entrance to the District should have a coordinated feature, with the most significant at the entrance onto Town Center Boulevard. The gateway design should be coordinated with that of the Watkins Mill Town Center District to encourage a unified appearance between the districts.

- II. *Restaurant Row Street Section* occurs at the center of the District Core and represents the spine or central focus of activity. The buildings and streetscape elements along Restaurant Row and facing onto Performers Park frame the street by maintaining a generally consistent setback, while permitting flexibility for outdoor seating areas and the Performers Park plaza area. Within the Restaurant Row area and the area facing onto Performers Park, design elements will include:

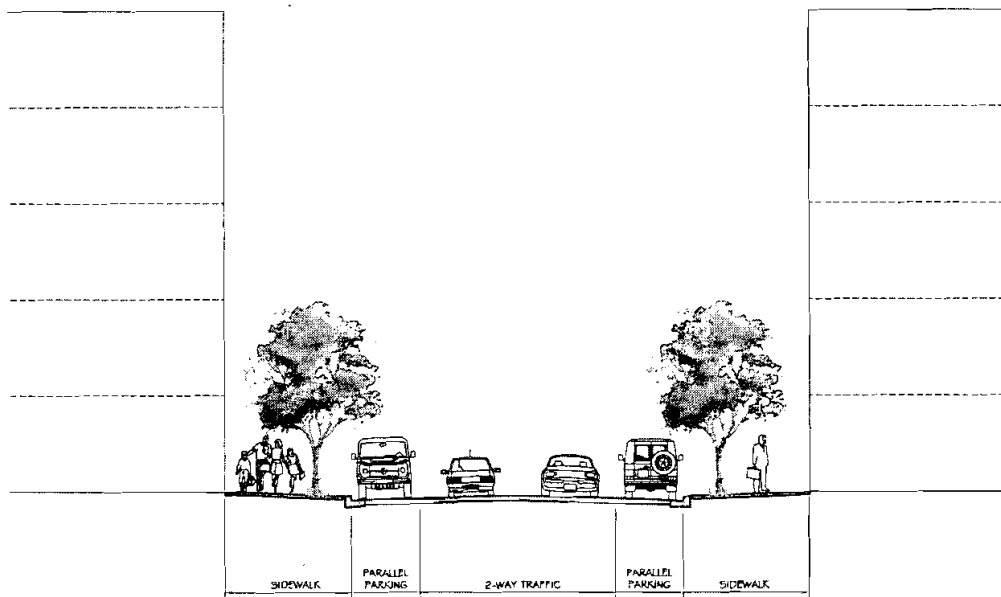


Figure 2 Town Center Boulevard Character
(Number of stories of building will vary from this illustrative)

- Roadway shall include two moving lanes and a parallel parking lane on street edges except at the location of the Performers Plaza and where vehicular access or pedestrian crossings occur;
- Maintain a minimum eleven (11) foot development setback on either side of the street, to include an eighteen (18) inch to two (2) foot paved edge, a four (4) foot wide planter with raised edges, an area for street furniture, and a walk of brick and finished concrete.
- No less than five (5) feet clear shall be maintained free of planter, furniture or other impediments along the walkways for pedestrian movement.
- The facades of each building should generally align along the development setback in order to establish a consistent building edge. Minor variations occur at storefronts and building entrances to add interest;
- The planting and street furniture should be consistently placed so as not to interfere with pedestrian movement. The street elements are, but not limited to: a four (4) foot wide raised planter, metal trash receptacles,

streetlights, roadway signs, directory signs, wayfinding signs, bike racks, pedestrian plazas, outdoor seating, and benches.

- f. Street trees should be centered within the raised planters and placed 25' to 30' on center, depending on approved street trees, with shrubs and/or seasonal flowers as ground plant material. Street trees of the same age and species should be inventoried within the District for initial installation and subsequent replacements.
- g. Streetlights define the roadway edge and provide illumination for nighttime activity. Low wattage luminaire fixtures available and qualified for servicing by PEPCO should extend through the core and should be placed 3' from face-of-curb. The streetlight design is to be approved by the City during final site plan stage.

III. *Urban Streets* occur along Spectrum Avenue and Restaurant Row exclusive of the area surrounding Performers Park. Characteristically, urban streets may include on-street parking. Building and streetscape elements frame the street by maintaining a consistent setback and landscape treatment. Design elements will include:

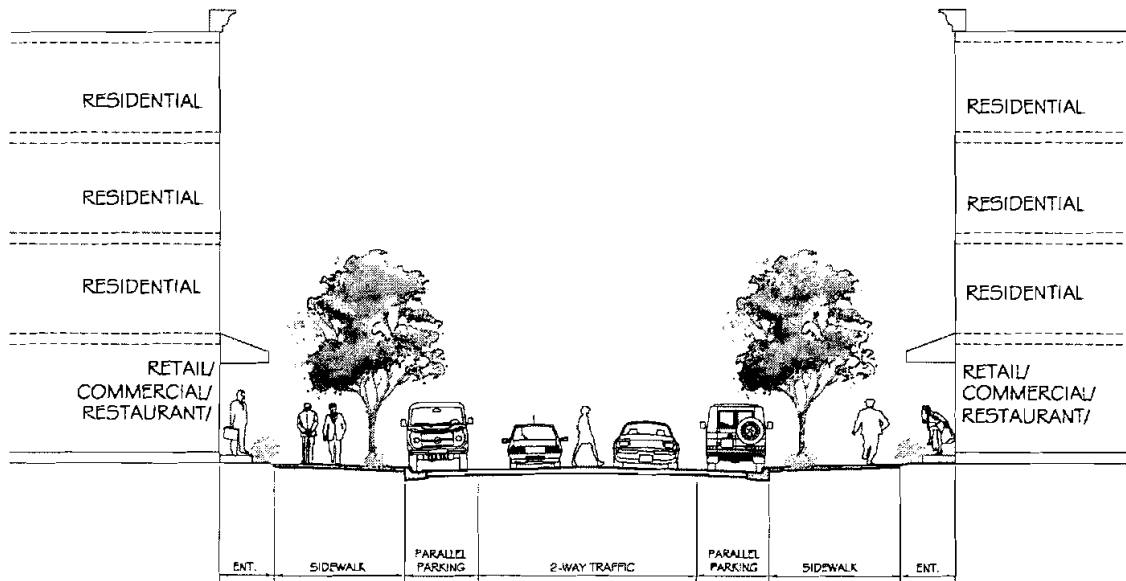


Figure 3A Urban Core Street Character

(Number of stories and types of building will vary from this illustrative see SDP for final building proposed)

- a. A face-of-curb to face-of-curb dimension will vary depending on the anticipated design requirement and can include moving lanes and one or two parallel parking lanes. Variations to these dimensions may occur on a street-by-street basis and must be approved by the City.
- b. A consistent setback should generally be sought along each street. This includes an 18" to 2' paved edge, a planting area and a walking area.

- c. A single row of street trees should be centered in the planter, with shrubs, lawn and/or seasonal flowers as ground plant material. There should be consistent tree species on each street, and trees should be spaced approximately 25'-40' on center, depending on street trees approved.
- d. Street tree locations will be coordinated with street light locations, so that trees are evenly spaced between light figures.
- e. Parking signs and parking meters may be installed on streets within the District as a parking control measure, subject to City approval.
- h. Streetlights define the roadway edge and provide illumination for nighttime activity. A 12' pole with a 250w to 400w light and sharp cutoff luminaire is recommended for both sides of the street. Light fixtures will occur approximately 3' from face-of-curb, and are spaced at 120' to 150' on center, final spacing to be determined by a photometric study and approved by the City. The fixtures selected should be coordinated with those selected for the Watkins Mill Town Center District to encourage a unified appearance between the districts.
- i. The streetlight design is to be approved by the City during final site plan stage and be dark-sky compliant. The fixtures selected should be coordinated with those selected for the Watkins Mill Town Center District to encourage a unified appearance between the districts.
- f. Light poles may include graphics and/or planters.

IV. *Internal Street* occur not discussed above occur throughout the project, and vary in size and dimensions as dictated by the area being served. Characteristically, Internal streets may include on-street parking. Building and streetscape elements frame the street by maintaining a consistent setback and landscape treatment. Design elements will include:

- a. A face-of-curb to face-of-curb dimension will vary depending on the anticipated design requirement and can include moving lanes and one or two parallel parking lanes. Variations to these dimensions may occur on a street-by-street basis and must be approved by the City.
- b. A consistent setback should generally be sought along each street. This includes a curb area, a 4 foot by 10 foot planting area and a walking area.
- c. A single row of street trees should be centered in the planter, with shrubs, lawn and/or seasonal flowers as ground plant material. There should be consistent tree species on each street, and trees should be spaced approximately 25'-40' on center, depending on street trees approved.
- d. Street tree locations will be coordinated with street light locations, so that trees are evenly spaced between light figures.
- e. Parking signs and parking meters may be installed on streets within the District as a parking control measure, subject to City approval.
- f. Streetlights define the roadway edge and provide illumination for nighttime activity. A 12' pole with a 250w to 400w light and sharp cutoff luminaire is

recommended for both sides of the street. Light fixtures will occur approximately 3' from face-of-curb, and are spaced at 120' to 150' on center, final spacing to be determined by a photometric study and approved by the City. The fixtures selected should be coordinated with those selected for the Watkins Mill Town Center District to encourage a unified appearance between the districts.

- g. The streetlight design is to be approved by the City during final site plan stage and be dark-sky compliant. The fixtures selected should be coordinated with those selected for the Watkins Mill Town Center District to encourage a unified appearance between the districts.
- h. Light poles may include graphics and/or planters.

E. Utilities, Mechanical, and Telecommunication Equipment

The visual and noise impacts of utilities, mechanical equipment, data transmission dishes, towers, and similar antennas and equipment should be mitigated.

- I. New utility lines shall be placed underground. The existing overhead lines along Route 355 shall remain overhead.
- II. Utility locations shall be located to the rear of all lots. Do not provide front hook-ups.
- III. Locate transformers away from major pedestrian routes and outdoor seating areas.
- IV. Buffer all transformers, telecommunications devices, equipment switching boxes and other utility cabinets from street and pedestrian areas with landscaping or architectural screens. Do not leave meters exposed where visible to the public.
- V. Mechanical, electrical or other equipment, whether located on the top of buildings in the case of commercial and some residential structures or ground mounted shall be located away from public view and/or screened from view in an attractive yet unobtrusive manner.
- VI. Screening or buffering of any equipment shall be by a combination of the following: berms, depressions, walls, fences and/or landscaping and/or integration with the architecture of the adjacent buildings(s).

F. Service, Delivery, Storage Areas, Loading and Trash

Service, delivery and storage areas can traditionally be visually obtrusive. Therefore, the visual impact of service and delivery areas shall be minimized, especially views of such areas from public ways and along designated view corridors.

- I. Service areas, loading facilities, and trash dumpster (including required recycling containers) areas shall be located away from public view and

designed to blend harmoniously with the overall building design, materials, and colors. If these areas or facilities are not located within or adjoining the building, they must be screened from public view by walls, fences, plant material or other appropriate means.

- II. Except for larger buildings that require their own facilities, combine loading docks and service areas between multiple sites. Screen from public view with fencing, walls and/or landscaping.
- III. Individual trash dumpsters or trash areas must be screened or hidden by walls, fences, plant material or other appropriate means. Trash dumpster enclosures shall be constructed of a substantial material such as wood or masonry and include secure, self-closing gates. Chain link fence enclosures either with or without "slats" or inserts are prohibited.
- IV. To the extent practical, storm drain inlets should not be adjacent to trash and recycling area.
- V. Clearly identify service entrances with signs to discourage the use of main entrances for deliveries.
- VI. Generally, service areas, dumpsters, electrical, mechanical and similar equipment should be screened/buffered by a combination of the following: berms, depressions, walls, fences and/or landscaping and/or integration with the architecture of the major buildings(s).

G. Security Systems

- I. All exterior television camera systems and other surveillance and security devices shall be designed as an integral part of the site and building design program. Cameras and housings should be as unobtrusive and inconspicuous as possible. Cables should not be mounted to the face of the building.
- II. Cameras should be located behind windows or glass screens or integrated within architectural elements of the building rather than attached to the building as an afterthought.
- III. Pole-mounted cameras within the site shall be kept to a minimum. Placement of pole-mounted cameras shall follow the placement and sequence, pattern style and color of other outdoor fixtures such as light poles.

H. Communications Equipment and Rooftop Equipment

- I. Dishes or antennas should be considered as an integral part of the building and/or site design and should not be added as an afterthought.
- II. Dishes or antennas shall be located in such a way as to be visually unobtrusive from the ground level or from major views; roof mounted, or mounted in the rear of buildings is encouraged. If visible, dishes, antennas or roof mounted equipment should be screened and painted to match their background building or roof color.

- III. Any dishes, antennas or equipment located on the ground shall be screened from public view by fences, walls, landscaping or a combination of these as required by the Declaration.
- IV. Dishes may not be used for signage or advertising purposes.
- V. A cable system shall be made available in all attached residential buildings if such technology is still commonly in use to reduce or eliminate individual dishes.

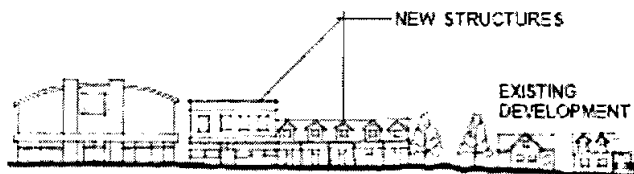
3 ARCHITECTURAL DESIGN

Architectural design should seek to enhance the streetscape character but not compete or distract from adjacent structures. All elements including the scale and mass of buildings, materials, colors, roof styles, door and window openings, and details should be responsive to the surrounding and existing architectural design. New buildings should add to community character without rigid uniformity of design. All buildings should be energy efficient to conserve natural resources.

Building mass should respond to “human scale” with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level. Buildings should be reduced in apparent mass or articulated to avoid large monolithic, box-like shapes. Strongly thematic architectural styles must strongly be compatible with nearby structures and uses.

A. Building Relationships and Compatibility

- I. All buildings within a proposed development should be visually and physically compatible with one another, and with existing buildings on adjacent sites.
- II. Locate buildings so they will not obscure desired views from existing or proposed buildings nearby.
- III. Locate the building(s) to create pedestrian plazas and gathering places (See figure 3 in appendix).



B. Height

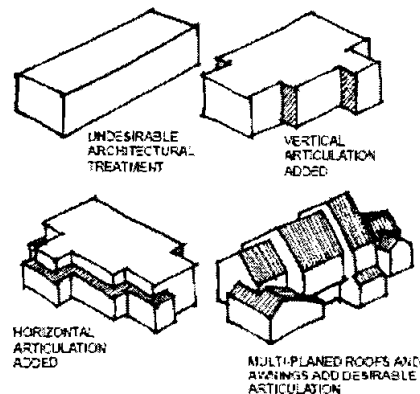
- I. Relate building heights to adjacent open spaces to allow maximum sun and ventilation and to provide protection from prevailing winds.
- II. Architectural elements such as domes, spires, towers, etc. may exceed height limits, when authorized through the site plan process.
- III. The height of new development should be compatible with and transition from the height of adjacent development. Building height will be controlled to express the prominence of the Urban Core. Maximum building heights are established through the identification of the following height limitations:
 - a. Spectrum Avenue – Spectrum Avenue originates at the Travis Avenue entrance to the District from Route 355. At the entrance a small commercial building to the North of Spectrum Avenue will act to frame

the District, and act as a transition of the low density commercial buildings further north along Route 355. Spectrum Avenue will then turn south running parallel to Route 355, and the intent is to create a strong urban edge, initial if 5–7 story residential condominiums, transitioning to freestanding identity restaurants at Performer's Park, which should have an appearance of 1 1/2 to two stories to reinforce the importance of Performers Park. Buildings then again transitioning to single story retail uses with the final view terminated by a 1.5 to 2 story retail anchor.

- b. Restaurant Row – Restaurant Row originates at the right in/right out entrance to the District off Route 355, and is to be framed with two freestanding restaurant/retail pads, which should again have an appearance of 1 1/2 to two stories to reinforce the importance of Performers Park. Restaurant Row then continues west, passing Performer's Park, and is again lined to the south with additional freestanding restaurant/retail buildings with the appearance of the 1 1/2 to 2 stories, transitioning back to a 1 story height when arriving at the smaller spec buildings at the entrance from Watkins Mill Road Extended. Restaurant Row will then continue past the Senior Center, which should be designed an appearance of 1 1/2 stories, which is framed by the 9 story residential condominium building.
- c. Entrance from Watkins Mill Road – This important entrance should be framed by two commercial building of 1 1/2 to 2 stories in appearance to act as a gateway to the project. Buildings to the west of this entrance should be sited so as to create an edge for the new entrance to the Freeway, and should have an appearance of between 1 1/2 and 2 stories. Buildings to the east of this entrance should also be sited so as to create an edge, with the commercial building having a more prominent height of 3-5 stories.

C. Massing, Forms and Pedestrian Scale

The massing of buildings refers not only to the general size and form of buildings but to their location and orientation on a site and the way buildings relate to the terrain and each other in their massing and forms. Square “box-like” structures with large, blank, unarticulated wall surfaces are not an acceptable form. Facades with a high level of visual interest from auto and pedestrian views are encouraged. The exterior character of buildings should respond to pedestrian scale in the immediate vicinities. Buildings should have features and patterns that provide visual interest at the scale of the pedestrian, that reduce apparent mass, and that relate to local architectural character.



- I. In cases of facades more than 50 feet in length, incorporate significant architectural features and treatments to diminish the building mass. The massing of buildings is especially important in the building surrounding Performers Park and along Spectrum Avenue, where the continuity of urban walls facing the streets and open spaces shall be used to reinforce the public streetscape as a compact, walkable urban environment.
- II. Additional techniques and treatments shall be used to reduce scale and apparent massing of buildings. Utilization of the following techniques, as well as other techniques proposed by the applicant, will be used in determining compliance with these guidelines:
 - a. Variations in facade elements can reduce perceived scale and mass, such as, variations in color and/or texture should be used; step downs and step backs that follow the terrain and are tiered and reinforced by landscape elements; and variation in roof forms and height of roof elements should be used.
 - b. Compositions that emphasize floor lines or that express rhythms and patterns of windows, columns, and other architectural features are encouraged.
 - c. Express the position of each floor in the external skin design: consider terracing, articulated structural elements or a change in materials as methods of defining floors and consider using belt courses or other horizontal trimbands of contrasting color and materials to define floor lines.
 - d. Avoid blank walls at ground-floor levels. Use windows, trellises, wall articulation, arcades, material changes, awnings or other features; windows are preferred.
 - e. Use materials manufactured in units and measurable in human proportions such as brick, tile, and modular stone. Other appropriate materials include: glass and decorative tiles.
 - f. Architectural features such as columns, pilasters, canopies, porticos, awnings, brackets or arches should be included.
 - g. Windows that can reveal indoor amenities and activities and displays are encouraged.

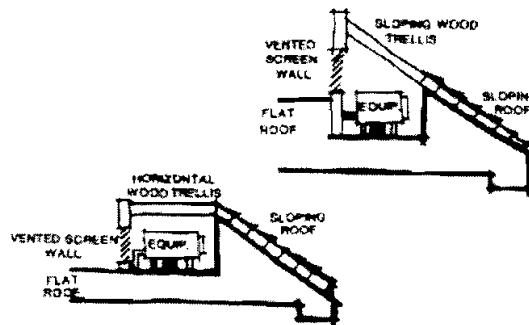
D. Roof Forms and Materials

Rooftops should contribute to the unified appearance of the development and should be considered as seen from: higher areas, ground level, other buildings, and roadways.

- I. Avoid roof lines running in continuous planes of more than fifty (50) feet.
- II. Articulation of building tops within the District is encouraged in order to create a more interesting skyline to the overall development and to individual buildings. This may be accomplished in a number of different

ways including manipulation of the parapet, introduction of tower elements at entrances and/or strategic corners and use of elevation articulation in the upper building floors.

- III. Roof materials should be high quality, durable and consistent with local architectural themes. Concrete tile, slate, cedar shingle, dimensional architectural composite (with shadow line), standing-seam metal or other materials approved by BP Realty Investments and the Planning Commission are the roof materials to be used.
- IV. Screen roof top mechanical units from view with architecturally integrated screening units, roof parapets, or sloped roof forms.



- V. Design roof forms to correspond to and denote building elements and functions such as entrances, arcades, and porches.
- VI. Roof forms should relate to adjacent buildings or development areas.
- VII. Highly reflective or emissive roofing materials are permitted in the District where such roofing is not visible from nearby buildings.

E. Building Entrances

Primary building entrances should be easily identifiable and relate to human scale.

- I. Locate main entrances to be clearly identifiable from primary driveways and drop-offs. For example:
 - a. Design building entrances to contrast with the surrounding wall plane.
 - b. Consider tinted glass, painted doors, or recessed features that will create a shaded effect.
 - c. Create a frame around doorways, by changing materials from the primary facade material.
 - d. Design primary entrances to be accessible to handicapped users without complex ramp systems.
- II. All building entrances shall be well-lit.
- III. Consider using building entrance ways as a transition from the building to the ground. Incorporate walls, terraces, grading and plant materials to accomplish this transition.
- IV. Consider using terraces or porticos to define entrances.

F. Service Entrances and Loading Areas

Service areas should be visually unobtrusive and integrated with the project site design and architecture.

- I. Orient service entrances, loading docks, waste disposal areas and other similar uses toward service roads and away from arterial and collector streets and residential areas, unless adequately screened.
- II. Screen service entrances and trash dumpsters from public streets, pedestrian gathering areas and primary entrances with fencing, walls and/or landscaping. Use the same materials as employed elsewhere on the building or site.
- III. Coordinate the location of service areas with adjacent developments, so that shared service drives may be feasible.
- IV. Do not place service areas where they will be readily visible from adjacent buildings or where they will negatively impact important/identified view corridors.

G. Energy Conservation Measures

Buildings should be designed and sited to maximize the use of solar gain for energy savings, and respect the solar access requirements of adjacent (existing and proposed) buildings.

- I. Applicants are encouraged to consider energy conserving design concepts, including, but not limited to the following:
 - a. Proper orientation and clustering of buildings.
 - b. Types of material and their insulation characteristics.
 - c. The arrangement and design of windows and doors.
 - d. Direct solar or photovoltaic energy.
 - e. Daylighting concepts.
 - f. Earth sheltering with creative land forming.
 - g. Natural ventilation of outdoor, indoor and attic spaces.

H. Design Guidelines

The purpose of these Design Guidelines is to develop a set of standards to ensure a well-planned community. The buildings developed within a community will have compatibility of exterior materials and an orderly massing. This will be accomplished by material, texture, massing, and/or profile changes.

There are three building types to be addressed by these Guidelines: (1) the higher density residential buildings, (2) the Freestanding Buildings up to 10,000 sf, and (3) the office building, retail anchor building and police station building on Watkins Mill Road which are over 10,000 sf

I. Higher Density Residential Buildings

The following guidelines are meant to define those elements of the buildings that are most important while providing sufficient flexibility to create a dynamic urban environment that balances consistent urban design with architectural diversity.

a. Buildings Façade and Materials –

- i. All buildings will feature four sided architecture;
- ii. Fronts of buildings will be sited close to and face Spectrum Avenue or Restaurant Row street edge, except those elements that will be facing upon Performers Park
- iii. Building entries should be clearly delineated and readily visible.
Exterior wall materials may be muted, highly reflective or a combination of both.
 - 1) Masonry, brick, and stone are strongly preferred.
 - 2) Polished stone and masonry are permitted.
 - 3) Glass, stainless steel and other durable skin surfaces are permitted.
 - 4) Stucco or dryvit materials are prohibited except as architectural detailing on the roof lines.
 - 5) Textured concrete may also be considered.
- iv. Utilize materials in their natural texture and color.
- v. Combine building materials in patterns that create a sense of human scale. Conventional modular materials such as brick or stone that gives a sense of proportion are appropriate as well as but to a lesser extent cast or scored concrete.
- vi. High quality, low-maintenance materials are encouraged. Select durable building materials that will age well.
- vii. Painted metal, painted concrete, plain unfinished concrete block, stucco or large unarticulated expanses are not acceptable materials.
- viii. The public facades at street level should be carefully articulated to provide pedestrian scale and should be of quality materials such as brick, metal, stone, glass and precast.
- ix. Avoid large blank featureless or uniform surfaces. Long expanses of wall unrelieved by fenestration or architectural articulation are to be avoided.
- x. Retail only buildings should be made readily identifiable as such through the use of signs, awnings, building massing, window displays and other techniques.
- xi. Non-retail buildings with retail uses on the ground floor should allow for the mercantile character of the use to be clearly evident through the use of signage, awnings, blade signs, marquees, display windows or other mechanisms. Entries into retail spaces should be

from the street wherever possible and buildings should be predominantly oriented to pedestrian spaces.

- xii. Non-retail buildings without ground floor retail uses shall present an interesting façade to the street and shall reflect a pedestrian scale. Methods for achieving this include the articulation of the façade through changes in materials or architectural detailing at the first floor level.
- xiii. Do not use plexiglass, glossy metal and backlit vinyl awnings.

b. Building Colors –

- i. Do not use paints or other covering materials with unproven durability. Do not use bright colors, (including bright white) that may streak, fade or generate glare. While subdued or muted colors generally work best as a dominant, overall color, a bright or primary color can also be appropriate for accent elements, such as door and window frames, and architectural details.
- ii. Choose color palettes for new buildings that are compatible with the colors of adjacent structures.
- iii. Paint architectural detailing to complement the facade and coordinate with adjacent buildings.
- iv. Roof colors shall be muted and compatible with the dominant building color.

c. Other –

- i. It is the intent of the planning at Watkins Mill East District to provide a pedestrian friendly environment. To that end individual building developers are encouraged to use a combination of awnings and canopies, where appropriate, to provide a convenient and protected pedestrian passage along the retail frontages.
- ii. Exposed foundations shall be clad in brick, precast or stone finish to blend with the accompanying structure.
- iii. Landscaping elements shall be incorporated into the patron-accessible areas of the roof of the condominium buildings.
- iv. Retaining walls facing a public street shall be stone, brick or concrete/masonry faced with brick or stone. Retaining walls not visible from nearby streets, alleys, or sidewalks shall be stone, brick, keystone, or concrete/masonry faced with brick or stone.

II. Non-Residential Buildings 10,000 square feet or less

Like many urban areas, there are numerous buildings that are designed to provide necessary civic needs, as well as dining, shopping, civic, banking and gasoline services to the workers and residents of the development and area. These uses are an essential part of the urban pedestrian experience, and their elements required great attention to detail.

- a. All buildings will feature four sided architecture;
- b. Exterior materials and colors of freestanding buildings shall be compatible with the building materials and colors of the Higher Density Residential Buildings. Building shall be constructed primarily of standard clay brick with a 4-5 foot stone watertable.
- c. Highly visible areas shall provide additional architectural treatments and upgrades;
- d. Special attention shall be given to the corner buildings at the entries to the development in terms of materials and finish;
- e. Buildings are to be entered from the adjoining parking lots.
- f. Building roofs shall be standing seam metal, slate (black) artificial slate, cedar shingles or flat roof with articulation.
- g. Buildings should be made readily identifiable through architectural features and style and/or signs and awnings.
- h. Drive-thru facilities are permitted for banks only and are to be located along the sides of the building and may not front on a street.
- i. Pumping, convenience and car wash facilities for the service station are permitted. Pumping stations and canopy shall be located behind the building and shall not front on a street.
- j. Front, side or rear setbacks determined by the SDP are to be approved by the Planning Commission during final site plan stage. A minimum of three (3) feet from property lines is recommended to allow for access around and maintenance of buildings and to meet building code requirements.
- k. Exposed foundations shall be clad in brick, precast or stone finish to blend with the accompanying structure.

III. Non-Residential Buildings greater than 10,000 square feet

The following guidelines are meant to define those elements of the buildings that are very important in terms of location, size and use on the image of the Watkins Mill East District, while providing sufficient flexibility to create a dynamic urban environment that balances consistent urban design with architectural diversity.

a. Buildings Façade and Materials –

- i. All buildings will feature four sided architecture;
- ii. Buildings will be sited close the primary street edge.
- iii. Entrances shall be from the adjoining parking areas, to the side or behind the building;
- iv. Facades that front onto Watkins Mill Road or Route 355 shall receive special architectural attention, so as not to create the appearance of a “back’ of the building;
- v. Building entries should be clearly delineated and readily visible.

- vi. Exterior materials and colors of these buildings shall be compatible with the building materials and colors of the Higher Density Residential Buildings. Building shall be constructed primarily of standard brick, glass with a 4-5 foot stone waterable. Stucco or dryvit materials are prohibited except as architectural detailing on the roof lines.
- vii. Utilize materials in their natural texture and color. Combine building materials in patterns that create a sense of human scale. Conventional modular materials such as brick or stone that gives a sense of proportion are appropriate. Painted metal, painted concrete, plain unfinished concrete block, stucco or large unarticulated expanses are not acceptable materials.
- viii. The public facades at street level should be carefully articulated to provide pedestrian scale and should be of quality materials such as brick, metal, stone, and glass.
- ix. Avoid large blank featureless or uniform surfaces. Long expanses of wall unrelieved by fenestration or architectural articulation are to be avoided.
- x. Buildings without ground floor retail uses shall present an interesting façade to the street and shall reflect a pedestrian scale. Parking decks visible from I-270 ramps, Route 355 or Watkins Mill Road shall have those visible surfaces faced with brick or stone or an acceptable brick or stone finishing.
- xi. Do not use plexiglass, glossy metal and backlit vinyl awnings.

b. Building Colors –

- i. Do not use paints or other covering materials with unproven durability. Do not use bright colors, (including bright white) that may streak, fade or generate glare. While subdued or muted colors generally work best as a dominant, overall color, a bright or primary color can also be appropriate for accent elements, such as door and window frames, and architectural details.
- ii. Choose trim color palettes for new buildings that are compatible with the colors of adjacent structures and the nearby Freestanding Buildings.
- iii. Paint architectural detailing to complement the facade and coordinate with adjacent buildings.
- iv. Roof colors shall be muted and compatible with the dominant building color.

c. Other –

- i. Exposed foundations shall be clad in brick, precast or stone finish to blend with the accompanying structure.
- ii. Retaining walls facing a public street shall be stone, brick or concrete/masonry faced with brick or stone. Retaining walls not visible from nearby streets, alleys, or sidewalks shall be stone, brick, keystone, or concrete/masonry faced with brick or stone.

4

Landscape Design

A professionally prepared Landscape Plan shall be submitted during the final site plan stage to be reviewed and approved by the Planning Commission. This plan should be developed as an integrated component of the site plan and architectural design.

5

Lighting

Site lighting should be designed only to levels required for public safety. Lower level roadway and pedestrian fixtures should be used to illuminate key areas such as vehicular entrances, building entrances and site circulation such as streets and walkways. Sidewalks, exterior areas, public spaces, alleys, and roads shall be illuminated to ensure safety and improve visibility. Poles and luminaries shall be in scale/proportion and provide the foot-candles appropriate to their intended location and use as approved by the Final Landscape, Lighting, and Signage Plan. Light fixture style and design shall be coordinated to ensure compatibility with street furnishings and the overall design theme of the community.

6

Signage

All areas within the Watkins Mill East District are governed by the proposed sign requirements of the City of Gaithersburg. A comprehensive and thematic site sign package shall be prepared and submitted as part of the final site plan application to be reviewed and approved by the Planning Commission. All signage will be subject to final review and approval by City staff and City permitting.

7

Flag Poles

- I. The flagpole height and flag size should be in proportion to the building height and size. The color of the pole should relate to the color of the building or trim. Flagpoles shall not be located in such a way as to negatively impact traffic (pedestrian or vehicular) and adjacent uses. No more than one flag may be flown on any pole. Only one corporate identity flag may be used on any building or flag array.
- II. Flags are not permitted on the roof of a building.
- III. On buildings, flags are not permitted above the first story.
- IV. All flagpole locations shall be approved by the Planning Commission.
- V. Ground-level flagpole locations shall be part of an amenity or site plan design.

8

Temporary Facilities

- A. Construction offices, storage sheds and yards, trailers and temporary rest rooms are permitted during construction only. Temporary facilities shall be placed as inconspicuously as possible and may require landscaping and/or fences and must be approved by City staff.
- B. All temporary facilities must be maintained in a neat and orderly manner and must be removed promptly and cleaned of all debris when no longer required.

9

Variances from Design Regulations, Modifications

Any variations to these guidelines must be approved by BP Realty Investments, LLC in writing and then presented to the Planning Commission to be reviewed. The Planning Commission may approve or deny modification requests.

After initial outsales by the developer, subsequent modifications to these Design Guidelines shall be in accordance with the Declaration.

All modification or variance requests must comply with the City of Gaithersburg Code.

These guidelines may be modified by the Planning Commission at the time of Final Site Plan.

Acknowledgements

Contributors:

BP Realty Investments
City of Gaithersburg, Maryland
Rodgers Consulting, Inc.

Graphic Sources:

Brennan, Terry. "Kentlands Pic." Kentlands. 2005 The Kentlands Citizens Assembly. 12 September 2005 <<http://www.kentlandsusa.com>>.

Ching, Frank D.K. Architecture: From, Space, and Order. 2nd ed. Hoboken, NJ: Wiley, 1996.

The Peterson Companies. Washingtonian Center. 2005 The Peterson Companies. 12 September 2005 <<http://www.shopwashingtonian.com>>.

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

May 8, 2006

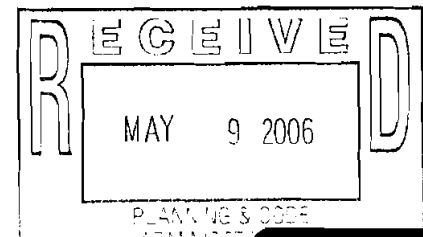
Ms. Trudy Schwarz
Community Planning Team
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: City of Gaithersburg
File # Z-301 & SDP-05-003
Casey Property East
MD 355 & Watkins Mill Rd.

Dear Ms. Schwarz:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the Sketch Plan and Schematic Development Plan proposed residential and mixed-use retail development. We offer the following comments:

- Proposed access along MD 355 is from one (1) full movement private street connection across from Travis Avenue and one commercial right-in/right-out only entrance approximately 750 feet north of Watkins Mill Road. Required MD 355 improvements may include, but are not limited to, full acceleration and deceleration lanes, a left-turn lane and signal modifications at the Travis Avenue/new private street intersection.
- It will be the developer's responsibility to construct the approved alignment for Watkins Mill Road along the property frontage up to and including the MD 355 at Watkins Mill Road intersection.
- Five copies of the required traffic impact study must be submitted to this office for distribution to SHA's various traffic offices. SHA will then offer comments within 4 – 5 weeks. It is our understanding that the Traffic Group, Inc. will be submitting this traffic study any day now.
- Further comment is deferred until after SHA has the opportunity to review and comment on the required traffic impact study.



My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

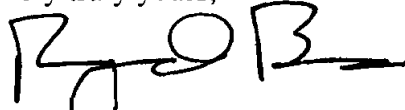
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.maryland.gov



Ms. Trudy Schwarz
Page Two

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S.D. Foster', with a stylized flourish at the end.

for

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Rodgers Consulting / 19847 Century Blvd., Suite 200, Germantown, MD 20874
Mr. Darrell Mobley *sent via e-mail*
Mr. Ted Beeghly *sent via e-mail*
Mr. Jeff Wentz *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*
Mr. Tom Kubicz *sent via e-mail*



BP REALTY INVESTMENTS, LLC

May 10, 2006

Ms. Caroline Seiden
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD

RE: Casey East (Z-301 and SDP-05-003)
Parcels 360. 563 and N455
Age Restricted Housing

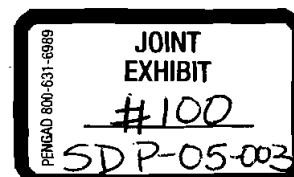
Dear Caroline:

This is to confirm that Age Restricted Housing is a housing category permitted under the Fair Housing Act and applies to housing addressing the needs of those aged 55 and over.

Best regards,

PJ Henry

Peter Henry





BP REALTY INVESTMENTS, LLC

May 10, 2006

Ms. Caroline Seiden
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD

RE: Casey East (Z-301 and SDP-05-003)
Parcels 360. 563 and N455
Loft Townhomes

Dear Caroline:

Prior to the most recent work session, it was suggested that there was interest in looking at surrounding the Performers Park with the Loft Townhomes product we are utilizing in the Casey West project on Midtown Avenue. We were asked to prepare a quick drawing of the unit types in lieu of the Condo 'C' (6 stories over retail fronting the park), which we did as requested. While we have expressed our belief that the loft townhomes are not the appropriate product for the area surrounding Performers Park, I wanted to take the opportunity to elaborate.

The Loft Townhome product was specifically designed as a 15' to 20' veneer of commercial frontage on a townhome unit that allows a commercial edge while not generating significant activity or parking usage that would otherwise disrupt the balance of the area. The ground level is split, with the rear being utilized for parking, storage and stairs for the townhome above, and the front portion being utilized for the commercial veneer.

This 15-20' depth of the commercial veneer is perfectly sized for very small retail operators (such as a hair dresser or jewelry store) or small offices (such as tax return offices or travel agent), or the smallest of food service (a small café or ice cream store), all typically appropriate to a neighborhood. The front of the spaces are broken with staircases leading up to each individual townhouse unit, while the rear 8 feet of the commercial can still be linked to create a larger space by combining units. These low-parking, very limited sized uses are appropriate for the area such as Midtown Avenue.

This limited depth is *not* designed to accommodate retailers or restaurants of the kind necessary to provide the activity needed for Performers Park to be a successful and active place as envisioned. These uses will require more depth (typically 40'-45 minimum), and are unwilling to have their facades broken with staircases leading up to upper level townhomes. Rather, they look for the residential units above to be served by a common elevator core, leaving their exterior frontages intact.

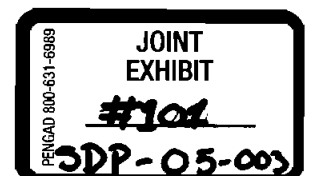
These larger restaurants and retail users will be a critical component of the success of the Performers Park, and will provide an essential element of activity to the park. We cannot successfully accomplish the desired result with the loft units.

Best regards,

PJ Henry

Peter Henry

10000 Falls Road, Suite 100, Potomac, Maryland 20854
(301) 299-2099 ♦ Fax (301) 299-2033





Leadership in Energy and Environmental Design LEED™ Version 2.1 Project Checklist

Project Name: CASEY EAST DRAFT- SUBJECT TO CHANGE

Tax ID:

Address: NOBLESST INTERSECTION OF MD RTE 355 & WATKINS MILL RD.

For more information regarding LEED™, refer to the US Green Building Council website at <http://www.usgbc.org>

Yes ? No

Sustainable Sites 14 Points

| | | | |
|----------|------------|---|----------|
| Y | Prereq 1 | Erosion & Sedimentation Control | Required |
| X | Credit 1 | Site Selection | 1 |
| X | Credit 2 | Urban Redevelopment | 1 |
| X | Credit 3 | Brownfield Redevelopment | 1 |
| X | Credit 4.1 | Alternative Transportation, Public Transportation Access | 1 |
| X | Credit 4.2 | Alternative Transportation, Bicycle Storage & Changing Rooms | 1 |
| X | Credit 4.3 | Alternative Transportation, Alternative Fuel Vehicles | 1 |
| X | Credit 4.4 | Alternative Transportation, Parking Capacity and Carpooling | 1 |
| X | Credit 5.1 | Reduced Site Disturbance, Protect or Restore Open Space | 1 |
| X | Credit 5.2 | Reduced Site Disturbance, Development Footprint | 1 |
| X | Credit 6.1 | Stormwater Management, Rate and Quantity | 1 |
| X | Credit 6.2 | Stormwater Management, Treatment | 1 |
| X | Credit 7.1 | Landscape & Exterior Design to Reduce Heat Islands, Non-Roof | 1 |
| X | Credit 7.2 | Landscape & Exterior Design to Reduce Heat Islands, Roof | 1 |
| X | Credit 8 | Light Pollution Reduction | 1 |

Yes ? No

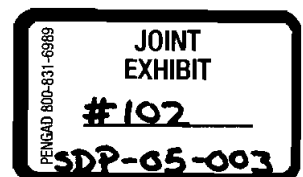
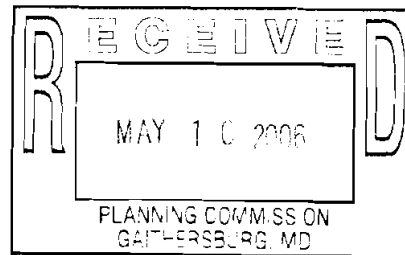
Water Efficiency 5 Points

| | | | |
|----------|------------|---|---|
| X | Credit 1.1 | Water Efficient Landscaping, Reduce by 50% | 1 |
| X | Credit 1.2 | Water Efficient Landscaping, No Potable Use or No Irrigation | 1 |
| X | Credit 2 | Innovative Wastewater Technologies | 1 |
| X | Credit 3.1 | Water Use Reduction, 20% Reduction | 1 |
| X | Credit 3.2 | Water Use Reduction, 30% Reduction | 1 |

Yes ? No

Energy & Atmosphere 17 Points

| | | | |
|----------|------------|---|----------|
| Y | Prereq 1 | Fundamental Building Systems Commissioning | Required |
| Y | Prereq 2 | Minimum Energy Performance | Required |
| Y | Prereq 3 | CFC Reduction in HVAC&R Equipment | Required |
| X | Credit 1 | Optimize Energy Performance | 1 to 10 |
| X | Credit 2.1 | Renewable Energy, 5% | 1 |
| X | Credit 2.2 | Renewable Energy, 10% | 1 |
| X | Credit 2.3 | Renewable Energy, 20% | 1 |
| X | Credit 3 | Additional Commissioning | 1 |
| X | Credit 4 | Ozone Depletion | 1 |
| X | Credit 5 | Measurement & Verification | 1 |
| X | Credit 6 | Green Power | 1 |



Yes ? No

Materials & Resources 13 Points

| | | | |
|----------|------------|--|----------|
| Y | Prereq 1 | Storage & Collection of Recyclables | Required |
| | Credit 1.1 | Building Reuse, Maintain 75% of Existing Shell | 1 |
| | Credit 1.2 | Building Reuse, Maintain 100% of Shell | 1 |
| | Credit 1.3 | Building Reuse, Maintain 100% Shell & 50% Non-Shell | 1 |
| | Credit 2.1 | Construction Waste Management, Divert 50% | 1 |
| | Credit 2.2 | Construction Waste Management, Divert 75% | 1 |
| | Credit 3.1 | Resource Reuse, Specify 5% | 1 |
| | Credit 3.2 | Resource Reuse, Specify 10% | 1 |
| | Credit 4.1 | Recycled Content, Specify 5% (post-consumer + 1/2 post-industrial) | 1 |
| | Credit 4.2 | Recycled Content, Specify 10% (post-consumer + 1/2 post-industrial) | 1 |
| | Credit 5.1 | Local/Regional Materials, 20% Manufactured Locally | 1 |
| | Credit 5.2 | Local/Regional Materials, of 20% Above, 50% Harvested Locally | 1 |
| | Credit 6 | Rapidly Renewable Materials | 1 |
| | Credit 7 | Certified Wood | 1 |

Yes ? No

Indoor Environmental Quality 15 Points

| | | | |
|----------|------------|---|----------|
| Y | Prereq 1 | Minimum IAQ Performance | Required |
| Y | Prereq 2 | Environmental Tobacco Smoke (ETS) Control | Required |
| | Credit 1 | Carbon Dioxide (CO₂) Monitoring | 1 |
| | Credit 2 | Ventilation Effectiveness | 1 |
| | Credit 3.1 | Construction IAQ Management Plan, During Construction | 1 |
| | Credit 3.2 | Construction IAQ Management Plan, Before Occupancy | 1 |
| | Credit 4.1 | Low-Emitting Materials, Adhesives & Sealants | 1 |
| | Credit 4.2 | Low-Emitting Materials, Paints | 1 |
| | Credit 4.3 | Low-Emitting Materials, Carpet | 1 |
| | Credit 4.4 | Low-Emitting Materials, Composite Wood & Agrifiber | 1 |
| | Credit 5 | Indoor Chemical & Pollutant Source Control | 1 |
| | Credit 6.1 | Controllability of Systems, Perimeter | 1 |
| | Credit 6.2 | Controllability of Systems, Non-Perimeter | 1 |
| | Credit 7.1 | Thermal Comfort, Comply with ASHRAE 55-1992 | 1 |
| | Credit 7.2 | Thermal Comfort, Permanent Monitoring System | 1 |
| | Credit 8.1 | Daylight & Views, Daylight 75% of Spaces | 1 |
| | Credit 8.2 | Daylight & Views, Views for 90% of Spaces | 1 |

Yes ? No

Innovation & Design Process 5 Points

| | | | |
|--|------------|---|---|
| | Credit 1.1 | Innovation in Design: Provide Specific Title | 1 |
| | Credit 1.2 | Innovation in Design: Provide Specific Title | 1 |
| | Credit 1.3 | Innovation in Design: Provide Specific Title | 1 |
| | Credit 1.4 | Innovation in Design: Provide Specific Title | 1 |
| | Credit 2 | LEED™ Accredited Professional | 1 |

Yes ? No

Project Totals (pre-certification estimates) 69 Points

Certified 26-32 points Silver 33-38 points Gold 39-51 points Platinum 52-69 points